

REMARKS

With this Amendment claims 1 and 5 have been canceled, claims 15 and 17 have been rewritten into independent form, claims 2, 6, 16 and 18 have been amended to the extent that their respective dependencies have been changed, claims 15, 17, and 20 have been amended to correct a typographical error, and new claims 22 and 23 have been added. Thus, by this Amendment claims 2-4, 6-13, and 15-23 are pending in the application. Reconsideration in view of the above amendments and following remarks are respectfully requested.

*Claim Rejections 35 USC 102(b)*

In the Office Action, claims 1-8, 15 and 17 are rejected under 35 USC 102(b) as being anticipated by Farris et al. ("Farris"). This rejection is respectfully traversed.

In particular, claims 15 and 17, which have been rewritten into independent form, recite that the "hub portion is formed of a material having low friction with respect to the material of the at least one axle and the at least one wheel." This is not disclosed in Farris. Since Farris fails to anticipate this feature, withdrawal of the rejection is respectfully requested.

Claims 2-4 and 6-8 depend from and further limit one of claims 15 and 17 and are allowable at least further allowable for the reasons set forth above with respect to claims 15 and 17.

*Claim Rejections 35 USC 103*

In the Office Action, claims 9-13, 16, 18 and 19-21 are rejected under 35 USC 103 as being unpatentable over Farris in view of Gehrke. This rejection is respectfully traversed.

The Office Action contends that Farris discloses all of the claimed elements "except providing a central portion of the wheel with a plurality of fingers that engage the axle." The Office Action states that it would have been obvious "to provide the wheel opening of Farris et al. with a plurality of fingers as taught by Gehrke since the plurality of fingers allows the axle to be more easily attached and removed without damaging the axle or structure mounted thereto."

The rejection to claims 9 and 10 is improper since (1) there is no motivation to combine the references as proposed in the Office Action; (2) the combination as proposed destroys the intended purpose of Farris; and (3) the flexible fingers of Gehrke cannot be structurally provided to the wheel of Farris.

### *1. No Motivation to Combine*

Gehrke discloses an axial retaining member 12 having flexible fingers that engage an inner race 14. Gehrke states that the axial retaining member is "for interconnecting two components and *preventing motion* therebetween," (col. 1, lines 3-4, emphasis added) and that "the fingers are preferably proportioned such as to be in a stressed condition when in use such as to *positively lock* the axial retaining member to one of the male or female members (col. 3, lines 60-63, emphasis added). Gehrke further states that when the flexible fingers are engaged, "a resilient restoring of the flexible fingers 70 *positively biases* the fingers outwardly and contributes to a *secure engagement* between the axial retaining member 12 and the inner race 14" (col. 7, lines 22-25, emphasis added). Thus, it is clear that Gehrke discloses flexible fingers that extend from a base element (the shaft 18) and are intended to apply a positive force *against* the attaching element (the inner race 14 of the half shaft assembly 10) to provide a secure engagement to positively lock the elements together.

The Office Action contends that it would be obvious to provide the wheel opening of Farris et al. with a plurality of fingers as taught by Gehrke. However, there is *no* motivation to provide fingers to Farris that would "positively lock," or provide a plurality of fingers that "positively biases" against the spherical head 70 since the "roller" 48 of Farris inherently must move freely relative to the spherical head 70.

### *2. Proposed Combination Destroys the Roller of Farris*

Even if one could make the proposed combination, the resulting structure would destroy the intended purpose of Farris. As set forth above, Gehrke discloses flexible fingers that extend from a base element (the shaft 18) and are intended to apply a positive force *against* the attaching element (the inner race 14 of the half shaft assembly 10) to provide a secure engagement to positively lock the elements together. If the flexible fingers of Gehrke were provided to the roller of Farris, the resulting fingers of Farris would necessarily provide a positive bias against the spherical head 70 to form a positive "lock," which would prohibit movement of the roller relative to the spherical head 70. Thus, the ability of the roller to roll would be prevented and, the purpose of the roller of Farris would be destroyed.

*3. Flexible Fingers of Gehrke Cannot Structurally be Combined with Wheel of Farris*

The Office Action proposes providing the axial retainer of Gehrke to the wheel of Farris. However, this is not structurally possible, and it is improper for the Office Action to make the proposed combination in the abstract.

In the previous, September 23, 2005 Amendment, arguments were presented that explained in detail the structural problems with providing the flexible fingers of Gehrke to the wheel of Farris. Most significantly, the fingers of Gehrke project as male connectors that extend into a female connector and exert forces that extend radially outwardly from a radial flange 48 such that each finger "positively biases" against the female member to form a positive "lock."

The Office Action stated that "it appears that the applicant's arguments are more limiting than that of the claims." However, these arguments are *not* directed to claim limitations but, instead, are directed to the manner in which one of ordinary skill in the art would provide the flexible fingers of Gehrke to the wheel of Farris. It is not clear from the Office Action, or the references, how the proposed combination is possible, or how one of ordinary skill in the art would provide the fingers of Gehrke to the wheel of Farris while not destroying the intended function of the roller 48. At best, the proposed combination necessarily requires that fingers are somehow attached to the interior of the roller 48 and the spherical head 70 is hollowed-out to receive the flexible fingers and accept their radially outwardly extending, positively biasing, locking force. However, there are no disclosures or suggestions to in the prior art provide for such a combination.

For the reasons set forth above, the rejections are believed improper and there withdrawal is respectfully requested. Since the prior art does not disclose or suggest a wheel guide assembly as claimed, the claims are allowable over the prior art of record.

Claims 11-13, 16 and 18-21 depend from and further limit one of claims 10, 15 and 17 and are allowable at least further allowable for the reasons set forth above with respect to their respective independent claims.

03-15-06

06:05pm From: PILLSBURY WINTHROP

703-770-7901

T-617 P.010/010 F-527

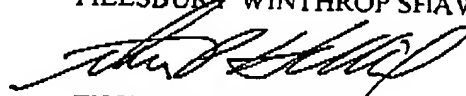
JACOBS - 10/11,543

Attorney Docket: 081589-0307593

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



THOMAS P. HILLIARD

Reg. No. 40330

Tel. No. 703 905.2091

Fax No. 703 905.2045

Date: March 15, 2006

P.O. Box 10500

McLean, VA 22102

Tel. No. 703 905.2000